

Remarks

Claims 1 and 3-11 remain in this application. Claims 2, 38 and 41 have been canceled in this paper. In a phone conversation on May 5, 2004 between Applicant's representative and the Examiner, it was agreed that claims 38 and 41 should reside in the Group II claims of the restriction dated October 3, 2003. Claims 1 and 3 have been amended. Support for these amendments can be found, *inter alia*, in cancelled claim 2. Reconsideration and allowance is respectfully requested in light of these amendments and the following remarks. No new matter has been added.

**I. Rejection of Claims Under 35 U.S.C. §103**

The Examiner has rejected claims 1, 8-11, 38 and 41 under 35 U.S.C. §103(a) as being unpatentable over Crank et al. in view of Kerr et al. Applicant respectfully traverses this rejection should it be applied to the remaining claims, as amended.

Crank et al. disclose a soy protein product having a protein content of greater than 60% total dry matter, a total dietary fiber content of less than 4% of total dry matter, a sucrose content greater than 10% of total dry matter, a stachyose content less than 1.5% of total dry matter, a raffinose content of 0.2%, a total isoflavone content greater than 2500 micrograms/gram of total dry matter and a total sulfur containing amino acid content greater than 2.2% of total amino acid content.

While Crank et al. is silent regarding a galactinol content, Kerr et al. teach soy protein products having a high protein content that essentially contains no galactinol.

There is no teaching within the cited art directed to low oligosaccharide soybeans. Claim 1 is amended to state that the soy product is not from low oligosaccharide soybeans. Thus claim 1 and its dependent claims are now distinguished over the cited art and are now allowable. Reconsideration and withdrawal of this ground of rejection is respectfully requested.

## **II. Response to the Objections**

Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, the limitation of claim 2 is incorporated into claim 1. Removal of this ground of objection is respectfully requested.

## **III. Conclusion**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims are earnestly solicited.

If any additional fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-0421.

Respectfully submitted,  
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